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NOTICE OF ALLOWANCE AND FEE(S) DUE

46333

7590

10/31/2008

HAYNES AND BOONE, LLP IP Section 2323 Victory Avenue Suite 700 Dallas, TX 75219 EXAMINER

PHILOGENE, PEDRO

ART UNIT PAPER NUMBER

3733

DATE MAILED: 10/31/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,157	02/06/2004	Lukas Eisermann	PC888.00/31132.123	7280

TITLE OF INVENTION: ARTICULAR DISC PROSTHESIS FOR ANTERIOR-OBLIQUE INSERTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/02/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or <u>Fax</u> (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where ar in m

appropriate. All further indicated unless correct maintenance fee notifica	correspondence includir ed below or directed oth	ng the Patent, advance on herwise in Block 1, by (a	rders and notification of ra a) specifying a new corres	naintenance fees v pondence address;	vill be and/or	mailed to the current (b) indicating a sepa	correspondence address as rate "FEE ADDRESS" for
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)				s) Transmittal. The ers. Each additiona	is certiÌ I paper	icate cannot be used for	r domestic mailings of the or any other accompanying nt or formal drawing, must
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IP Section 2323 Victory Av	D BOONE, LLP venue	I he Stat addı tran	reby certify that thes Postal Service v	is Fee(e of Mailing or Transus, Transmittal is being ficient postage for firs ISSUE FEE address 1) 273-2885, on the day	dission g deposited with the United it class mail in an envelope above, or being facsimile ate indicated below.	
Suite 700 Dallas, TX 7521	9						(Depositor's name)
,							(Signature)
							(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR		ATTO	RNEY DOCKET NO.	CONFIRMATION NO.
10/774,157	02/06/2004		Lukas Eisermann		PC	888.00/31132.123	7280
TITLE OF INVENTION	I: ARTICULAR DISC P	ROSTHESIS FOR ANTE	ERIOR-OBLIQUE INSER	IION			
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nonprovisional	NO	\$1510	\$300	\$0		\$1810	02/02/2009
EXAM	IINER	ART UNIT	CLASS-SUBCLASS				
PHILOGEN	NE, PEDRO	3733	623-017150				
"Fee Address" ind PTO/SB/47; Rev 03-0 Number is required.		(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.					
PLEASE NOTE: Un recordation as set fort (A) NAME OF ASSI	less an assignee is ident h in 37 CFR 3.11. Comp GNEE	ified below, no assignee oletion of this form is NO	T a substitute for filing an (B) RESIDENCE: (CITY	atent. If an assign assignment. and STATE OR C	COUNT	TRY)	ocument has been filed for
Please check the appropr	iate assignee category or	categories (will not be pr	rinted on the patent):	Individual 🖵 Co	orporati	on or other private gro	oup entity Government
*	are submitted: No small entity discount p # of Copies	b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above) A check is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).					
5. Change in Entity Sta	tus (from status indicated as SMALL ENTITY state	· · · · · · · · · · · · · · · · · · ·	☐ b. Applicant is no long	ger claiming SMAl	LL EN	ГІТҮ status. See 37 СЕ	FR 1.27(g)(2).
NOTE: The Issue Fee an interest as shown by the	d Publication Fee (if req records of the United Sta	uired) will not be accepte tes Patent and Trademark	d from anyone other than t Office.	ne applicant; a regi	stered	attorney or agent; or th	e assignee or other party in
Authorized Signature				Date			
Typed or printed name				Registration No			
This collection of inform an application. Confiden submitting the complete this form and/or suggest Box 1450, Alexandria, V Alexandria, Virginia 223	tiality is governed by 35 d application form to the ions for reducing this bu. Virginia 22313-1450. DC	FR 1.311. The informatic U.S.C. 122 and 37 CFR USPTO. Time will vary den, should be sent to the ONOT SEND FEES OR	on is required to obtain or r 1.14. This collection is est depending upon the indiv e Chief Information Office COMPLETED FORMS TO	etain a benefit by t imated to take 12 r idual case. Any co r, U.S. Patent and D THIS ADDRESS	he pub minutes omment Traden S. SEN	lic which is to file (and s to complete, includin s on the amount of tir nark Office, U.S. Depa D TO: Commissioner f	by the USPTO to process) g gathering, preparing, and ne you require to complete artment of Commerce, P.O. for Patents, P.O. Box 1450,

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HAYNES AND	BOONE, LLP	PHILOGENE, PEDRO					
IP Section			ART UNIT	PAPER NUMBER			
2323 Victory Avenue Suite 700			3733				
			DATE MAILED: 10/31/2008				
Dallas, TX 75219							

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 430 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 430 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)	_
	10/774,157	EISERMANN ET AL.	
Notice of Allowability	Examiner	Art Unit	-
	Pedro Philogene	3733	
	Pedro Philogene	3733	_
The MAILING DATE of this communication apperature All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate commun IGHTS. This application is su	this application. If not included nication will be mailed in due course. THIS	
1. X This communication is responsive to applicant's amendment	ent filed 7/25/08.		
2. The allowed claim(s) is/are <u>1-3,8-25,30-38,40-43</u> .			
 3. Acknowledgment is made of a claim for foreign priority una) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority do 	e been received. e been received in Application	No	
International Bureau (PCT Rule 17.2(a)).		3	
* Certified copies not received:			
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		a reply complying with the requirements	
4. A SUBSTITUTE OATH OR DECLARATION must be subminformal PATENT APPLICATION (PTO-152) which give			
5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.		
(a) including changes required by the Notice of Draftspers	son's Patent Drawing Review	(PTO-948) attached	
1) 🔲 hereto or 2) 🔲 to Paper No./Mail Date			
(b) ☐ including changes required by the attached Examiner'Paper No./Mail Date	s Amendment / Comment or i	n the Office action of	
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t			
6. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT			
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5 D Notice of Info	ormal Patent Application	
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)	6. ☐ Interview Su	• •	
· · · · · · · · · · · · · · · · · · ·	Paper No./N	fail Date	
3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date	/. □ Examiner's F	mendment/Comment	
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material		statement of Reasons for Allowance	
/Dadus Disilares /	9.		_
/Pedro Philogene/ Primary Examiner, Art Unit 3733			